EASEMENTS—IMPLIED GRANT—NECESSITY.—The owner of a lot of land erected thereon two buildings with a passageway between them. One of the buildings was used as a paint shop. On the side facing the passageway there was attached a ladder rack used for storing ladders, which projected over the passageway. *Held,* that the purchaser of the piece of land on which was situated the paint shop, was not entitled, on the basis of an implied grant, to an easement to maintain the ladder rack overhanging the passageway, the title to which was retained by the grantor. *Sandford* v. *Boss* (N. H. 1912) 84 Atl. 936.

The ground on which the court based the decision was that the maintenance of the ladder rack was not necessary for the enjoyment of the house as a paint shop, and construed the word "necessary" in its narrowest sense, implying strict necessity as distinguished from "reasonably necessary" or "convenient" or "beneficial" or "useful." The case illustrates how highly unsatisfactory a test, is the use of the word "necessary" when applied to the creation of easements by implied grant. For a thorough examination of all the authorities, both English and American, on the use of the word "necessary" in this connection see *Toothe* v. *Bryce,* 50 N. J. Eq. 589. That for the creation of such easements they must be apparent and continuous is conceded by all decisions. *Wheeldon* v. *Burrows,* L. R. 12 Ch. Div. 31; *Lampman* v. *Milks,* 21 N. Y. 505. An easement is said to be apparent when it may be known on a careful inspection by a person ordinarily conversant with the subject, or when its existence is indicated by signs which must necessarily be seen. GALE, EASEMENTS, 8th Ed., p. 116; TIFFANY, REAL PROPERTY, § 317; *Pyer* v. *Carter,* 1 Hurl. & N. 916. In some cases it is said an easement is continuous if no act of man is necessary to its continuous exercise. *Bonelli* v. *Blackemore,* 66 Miss. 136. While in others the question is said to be whether there is a permanent adaption of the two tenements to the exercise of the easement. *Toothe* v. *Bryce, supra;* TIFFANY, REAL PROPERTY, § 317. The easement in the principal case would appear to fit the definition of what is apparent and continuous herein, and as the house since its purchase has been used continuously as a paint shop, just as it was used before its purchase, there would appear to be no doubt that the maintenance of the ladder frame in its position had an influence on the mind of the purchaser in the amount of the consideration he paid for the lot. Where the owner of land, part of which is subject to a quasi-easement in favor of another part, conveys the quasi-dominant tenement he thereby grants by implication an easement corresponding to the pre-existing quasi-easement, provided the quasi-easement is apparent, continuous and "convenient" or "beneficial" to its enjoyment or use: *Phillips* v. *Phillips,* 48 Pa. St. 178; *Case* v. *Minot,* 158 Mass. 577; *Toothe* v. *Bryce, supra.* In accord with the principal case in requiring some degree of "necessity" for the creation of an easement by implied grant is *Bussmeyer* v. *Jablousky* (Mo.) 145 S. W. 772, 39 L. R. A. (N. S.) 549; and see cases cited therein. Just what degree of necessity is required is not clear. The court says, however, that they would not require *strict* necessity.